

Remarks

Claims 21-50 are pending in the application. Claims 22-23, 25-29, 31-35, 37-38 and 40-50 have been amended. Claims 51-54 have been canceled. New claim 55 has been added.

Claim Rejections

35 USC § 112, Second Paragraph

The Examiner has rejected claim 21 and its dependent claims as allegedly indefinite. Specifically, the Examiner alleges that “the applicant is not claiming the invention that applicant believes is claimed.”

A rejection based on the failure to satisfy this requirement is appropriate only where applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims. In other words, the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention. In re Moore, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971). The content of applicant's specification may not be used as evidence that the scope of the claims is inconsistent with the subject matter which applicants regard as their invention. See M.P.E.P. § 2172.

Applicants have replaced claim 21 with new claim 55. Applicants urge that neither of claim 55 nor any of its dependent claims define an invention inconsistent with any of Applicants' previous submissions or statements. Accordingly, Applicants respectfully request the withdrawal of the instant rejection for indefiniteness.

35 USC § 112, First Paragraph, Written Description

The Examiner has rejected claim 21 and its dependent claims as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. See, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 USPQ2d at 1116. Possession may be shown in a variety of ways including description of an actual reduction to practice, or by showing that the invention was "ready for patenting" such as by the disclosure of drawings or structural chemical formulas that show that the invention was complete, or by describing distinguishing identifying characteristics sufficient to show that the applicant was in possession of the claimed invention.

Applicants have replaced claim 21 with new claim 55. Applicants urge that claim 55 is fully described in the specification at least in Example 3 (an actual reduction to practice of the claimed method), as well as in other portions of the specification. Accordingly, Applicants respectfully request the withdrawal of the instant rejection for lack of written description.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

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